

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PARKER-HANNIFIN CORP. and :
PARKER INTANGIBLES, LLC, : CIVIL ACTION
Plaintiffs, :
v. :
TESTO, INC., a/k/a TESTO :
NORTH AMERICA and :
TESTO SE & Co. KGaA, : No. 22-135
Defendants. :
:

ORDER

AND NOW, this **24th** day of **April 2023**, upon consideration of Plaintiffs' motion to dismiss Defendants' counterclaims (ECF 16) and Defendants' response (ECF 17), it is ORDERED that:

1. Plaintiffs' motion is **GRANTED** with respect to Defendants' first counterclaim seeking a declaratory judgment for non-infringement, which is **DISMISSED** without prejudice. Defendants may amend their non-infringement counterclaim **on or before Monday, May, 15, 2023**; and
2. Plaintiffs' motion is **DENIED** with respect to Defendants' second counterclaim seeking a declaratory judgment based on patent invalidity.

BY THE COURT:


Berle M. Schiller, J.